

Neighborhood Board Task Force Report

Table of Contents

1. Executive Summary
 - a. Quick Recap of Recommendations
 - b. Overview of how Recommendations addressed City Auditor's 2006 Report
2. Task Force Recommendations
 - a. Election Process and Structure
 - b. Organizational Structure of Neighborhood Commission and Neighborhood Boards
 - c. Community Participation at Board Level
 - d. Budget for Neighborhood Commission Office and Neighborhood Boards
3. Appendix A
 - a. *"Council Resolution No. 06-291, CD1.*
 - b. *"Honolulu City Charter,"* Article 14, Neighborhoods and Neighborhood Boards.
 - c. *"An Evaluation of the Neighborhood Boards and Neighborhood Plan,"* prepared for the Neighborhood Commission by Pac West Community Associations, Inc., November 1979.
 - d. *"Neighborhood Plan"* Draft 8C, November 2006.
 - e. *"Audit of the Neighborhood Board System,"* a report to the Mayor and City Council of Honolulu by the City Auditor, Report No. 06-06, August 2006.
 - f. *"Data Information Book,"* Neighborhood Board Elections, 1989 to 2003.
 - g. *"The Revised Neighborhood Plan of the City and County of Honolulu,"* 1986-1988 Edition.
 - h. *"The Revised Neighborhood Plan of the City and County of Honolulu,"* 1986-1993 Edition.

Neighborhood Board Task Force Report
December 2007

- i. *“The Revised Neighborhood Plan of the City and County of Honolulu,”* 1986-1990 Amended.
 - j. *“The Revised Neighborhood Plan of the City and County of Honolulu,”* 1986-1990 Supplement.
- 4. Appendix B
 - a. Minutes from the Task Force Meetings
 - 5. Appendix C
 - a. Correspondence from Task Force, Board Chairs, Board Members, and Community Members
 - 6. Appendix D
 - a. Task Force Members

EXECUTIVE SUMMARY

Introduction

In 2006, the City and County of Honolulu approved Council Resolution 06-291, CD1 in response to an audit of the neighborhood board system that identified issues with the Neighborhood Board System as it currently functions. The resolution set up a Task Force that was asked with providing recommendations to the City Council on issues related to the functioning of the neighborhood board system:

- Review the effectiveness and efficiency of the neighborhood board system and advise the Council on changes that are needed to the system's structure and operations, and,
- Examine and report on the pertinent issues and concerns raised by the Audit, and all other aspects of the neighborhood board system including but not limited to:
 - Elimination of the system;
 - Increasing the power and authority of the system;
 - Compensating board members;
 - Consolidating or reorganizing the number of boards in the system;
 - Reviewing the salary of commission employees; and
 - Reviewing the meeting schedule of the boards to determine whether it should be changed to once every other month.

Since our initial meeting on November 21, 2006, the Task Force has been meeting regularly every two weeks and has reviewed a number of documents relating to this issue (see Appendix A) and has also been briefed on the following:

1. Sunshine Law, Office of Information Practice, December 4, 2006.
2. Neighborhood Board Survey, Q-Mark presentation, February 26, 2006.
3. Input from Various Neighborhood Board Chairs (all were invited), April 2 and 9, 2007.
4. Input from the Neighborhood Commissioners, April 23, 2007.

Through its deliberations, the Task Force has identified four (4) specific areas that required special attention and thus, formed four (4) sub-committees to research the following areas:

1. Budget—Neighborhood Commission Office budget for Neighborhood Board Program.
2. Organizational structure of Neighborhood Commission and Neighborhood Boards.
3. Community participation at Board level.
4. Election process and structure.

Each subcommittee's analysis and recommendations will form the body of this report and follow this summary.

During the process of review, the Task Force invited Board Chairs, Board Members, Commissioners and any other interested parties to attend meetings to voice their concerns or to send us comments via email or through the Neighborhood Commission Office. We also send an update to the City Council

Neighborhood Board Task Force Report December 2007

and Neighborhood Boards in August 2007 as to our progress and the various issues that were coming up. We are very appreciative of the feedback we have received and hope we have been able to address most of the concerns that have been raised.

Overview of Boards

Most neighborhood boards function well and are attuned to the issues in their communities and do their best to communicate these concerns to the appropriate government agencies and officials. The members care about the community, the issues that come before them and genuinely want to provide positive solutions to on-going concerns that affect the quality of life of the residents. They effectively represent their constituency and do not place their own personal agenda before that of their community.

There are also boards that have internal dysfunctions that prevent them from adequately representing their communities. Some boards do not offer those in the minority a safe place to express their opinions. These boards need to be identified by the Neighborhood Commission and be provided assistance to overcome their dissension.

And, board members need to take a stronger interest in their duties as board members. Too often the bulk of the work falls on the Chair and a poor chair will effectively inhibit the positive functioning of the board. Too many board members believe all that is needed of them is to show up at the meetings. Many board members know little or nothing about the Neighborhood Commission, its members and how it functions. They also know nothing about the Executive Secretary or the Neighborhood Commission Office. All Board members should have working knowledge of the Neighborhood Board system, the Neighborhood Board Plan and Roberts' Rules.

Specifics

During the course of our review, there were four issues that continually came up and we believe that if these are addressed, will go a long way in making the boards better representatives of their communities:

1. Majority vs. Minority Opinions
2. Sunshine Law as applied to the Neighborhood Boards
3. Term Limits for Board Members
4. Training for Board Officers and Members

Majority vs. Minority Opinions

Most boards try to balance the various voices for and against a particular issue to make sure the entire picture is accurately portrayed. However, even the best boards have failed at times to make community members feel that their voices are being heard and that their opinions matter even if in the minority. There are times that a board votes against the majority of the voices speaking for or against an issue at a meeting. The community is then left feeling disenfranchised and that they don't matter. At the very extreme, on issues that have an emotional hue, the minority can even feel threatened if they express a view contrary to the majority.

To address this, the Task Force believes that all Board correspondence should reflect the opinions of all who have spoken on an issue – to assist with this we have developed a form that would become a part of the public record and minutes. This form would quickly outline the various opinions and give anyone not at the meeting a good sense of how many in attendance supported the issue at hand and what the

Neighborhood Board Task Force Report
December 2007

issues were. The Neighborhood Commission could establish how and when the form should be used as part of their policy-making duties.

In addition, order and decorum should be maintained at all times. Board members should always display respect for those who speak on an issue and not tolerate emotion or language that could be perceived as threatening to community members or other Board members. No Board member should ever speak inappropriately to a member of the audience or another Board member. By displaying appropriate behavior themselves, the Board will encourage an atmosphere of respect.

Sunshine Law

The State's Sunshine Law as currently interpreted seriously inhibits the efficient functioning of the Neighborhood Boards. Since the boards are advisory in nature and they are not compensated for their work, the Task Force does not believe they should be subject to the Sunshine Law with the exception that agenda and minutes should be posted as required in the Law.

Board members should be able to attend any meeting in their community on issues that will affect the residents. It should not matter how many Board members attend a meeting, as the purpose is to educate themselves on issues of importance to the community. This will help them be better Board members and be better able to gauge community support for or against an issue.

Term Limits for Board Members

There was quite a bit of input that term limits should be established to ensure that boards do not become entrenched. Numbers from the recent election show that about 2/3rd of incumbent Board members were returned. This is a respectable number – a good balance of returning members that ensures continuity and new members that ensures injecting new blood in a board.

As with all the issues raised, it is not a one-size fits all - some boards have a natural turnover that is healthy and keeps the boards strongly representative of their communities. Other boards have trouble-fielding candidates in their sub-districts so term limits could pose a serious problem in regards to continuity and adequate representation for the community.

The Task Force does recognize the fact that the request for term limits can stem from dissatisfaction over how a board is run or over specific issues. A perception that somehow a group or individual was not treated fairly; a perception in the community at-large that certain board members will always be re-elected so there is no reason to run – nothing will ever change.

This attitude is dangerous if it grows as it can ultimately render a board ineffective. Government agencies and officials could perceive a board as not representative of the community and that any input or recommendations from this board can be ignored. People should feel that their Neighborhood Board is there to listen to their concerns in a respectful manner even if the outcome is not in their favor.

There is merit in making sure that boards are not perceived as being entrenched; that younger community members feel that they can be elected to the Board and make a difference; that the Boards are a fair representation of the communities that they serve. To that end, the Task Force felt the need to address this issue with a recommendation that would balance the need for change with the need for continuity: set 10-year term limits (5 two-year terms) for Board Members with the ability to return after

Neighborhood Board Task Force Report
December 2007

sitting one term out. We felt that this provided balance between the two ends of the issue and would encourage boards to get younger members of their respective communities involved.

Training for Board Officers and Members

One over arching issue is adequate training on how to run a board and board order and decorum. This goes beyond the Roberts' Rule training currently provided and would be more in-depth. It would be for all Boards members not just Chairs.

A good Neighborhood Board provides a welcoming place for all opinions on an issue to be discussed. Board members as well as the community are treated respectfully and allowed to have their say in a respectful way. Currently there are a number of examples from almost every Board where this is not the case. Where community members feel that they are not heard; where Board members feel that they don't matter.

The Task Force believes in-depth training for the Board with examples from Boards that handle difficult situations will assist in opening the door for greater community participation. This training should be supplemented by re-establishing the Council of Chairs to serve as a forum for Board Chairs to come together and discuss ways to better run their boards along with other issues.

Overview of Neighborhood Commission

The Neighborhood Commission is appointed by the Mayor and is supposed to handle / establish policy and complaints. What we have learned is that many Boards / Board members are unaware of the Commission's existence, who the Commissioners are and what they are supposed to do. This needs to be addressed as the Task Force believes the Commission can become a strong and guiding force in how the boards function. Commissioners need to get out to more Board meetings and become more familiar with how various Boards interact with their communities.

One positive change from previous years is that Commissioners need to have served on a Neighborhood Board in order to be considered for the position. This is a step in the right direction as it means the Commissioners will be empathetic to the concerns and issues of the Boards. The Task Force would like to see stronger bonds forged between these two entities.

Overview of Neighborhood Commission Office

The Neighborhood Commission Office is most familiar to Board members through the Neighborhood Assistants. The Commission office is responsible for the getting out Board minutes and agenda, for listening to community concerns and then forwarding them to the appropriate Boards for review, for assisting Boards in their day-to-day functions, for acting as a conduit between the Boards and the Commissioners, and for overseeing elections every two years.

The person who oversees the office is the Executive Secretary who is appointed by the Mayor.

The Task Force has made various recommendations in regards to training of the NAs, restructuring of this office in order to be more efficient, and the over all budget in the following pages.

Neighborhood Board Task Force Report
December 2007

Final Analysis

As one can see from the above, there is a theme to the key issues: respect, order, decorum, and openness. The boards should be a place for all to come together and discuss their issues and concerns in an atmosphere of mutual respect. That does not mean there should not be debate or that there will be no disagreement – the Boards are meant to foster community involvement and discussion. They are the vehicle where the average citizen can interface with their elected officials and have their concerns heard and addressed. The recommendations the Task Force is making will hopefully strengthen the existing system and make it more reflective of their respective communities.

The Task Force recognizes that recommendations they set forth in this report are not one-size fits all boards. As stated in the opening many boards function well and we hope that these recommendations will make them even better. For boards that need help, hopefully these recommendations will become a starting point for improving their relationship with each other and their community.

The recommendations for the Neighborhood Commission and Neighborhood Commission Office will hopefully help strengthen the overall system and make it even more responsive to all the Boards.

A brief summary of the recommendations follows with expanded analysis and comments in the next section. In addition, we have included a recap of which recommendations address issues brought up in the 2006 City Auditor's Report.

It is the hope of the Task Force that these recommendations will be vetted by the City Council and those that have the most merit be enacted. We believe that the Neighborhood Board System serves an important role in facilitating the conversation between the community and government agencies. We would like to see that relationship better defined and improved.

We respectfully submit this report for your review and consideration.

The Neighborhood Board Task Force

Kathleen M. Pahinui, Chair
Amy Luersen, Vice Chair
Dean Uchida
Mike Kido

Roy Wickramaratna
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Brief Recap of Task Force Recommendations

Neighborhood Commission and Board Structure

Issue #1: Elimination of the system.

Recommendation: Do not eliminate the neighborhood board system.

Issue #2: Increasing the power and authority of the system

Recommendation: Do not increase the power or authority of the neighborhood board system.

Issue #3: Compensating board members

Recommendation: Does not recommend compensation for neighborhood board members.

Issue #4: Consolidating or reorganizing the number of boards in the system

Recommendation: That the Neighborhood Commission review the boundaries established in the Neighborhood Plan (Boundary Review) within two (2) years of every ten (10) year census update. (See other Subcommittee recommendations).

Issue #5: Review the salary of commission employees

Recommendation: That the Task Force not review the salary of the commission staff at this time.

Issue #6: Review the meeting schedule of the boards to determine whether it should be changed to once every other month

Recommendation: That the Neighborhood Plan already includes provisions to allow for the minimum number of neighborhood board meetings.

Issue #7: Structure of the Neighborhood Commission

Recommendation: That the Neighborhood Plan be amended to reflect the following organizational structure:

**City Agency
(i.e. Planning and Permitting,
Community Services, Customer
Services, etc.)**

Neighborhood Commission

Neighborhood Boards

Neighborhood Commission Executive Secretary/Director

Neighborhood Commission Staff (serves at the pleasure of the Executive Secretary/Director)

Issue #8: Clarifying roles and responsibilities of the Neighborhood Commission, Executive Secretary, Commission Staff

Recommendation: That the Neighborhood Commission include in the Neighborhood Plan a requirement that the Neighborhood Commission establish performance goals and objectives tied to measurable deliverables or milestones, including compensation, set by the Commission for the Executive Secretary and the Commission staff. Further, that the initial goals and objectives be established within two years.

Issue #9: Clarifying roles and responsibilities of the Neighborhood Boards

Recommendation: That the Neighborhood Plan is amended to include the following:

1. That the Neighborhood Commission establish a fair and impartial process for Neighborhood Boards to conduct its business.
2. That the Neighborhood Commission's oversight of the Neighborhood Boards in the implementation of the Neighborhood Plan including but not limited to:
 - a. Monitoring of meeting (conduct, decorum, procedures to insure effective citizen participation);
 - b. Assistance and training of Neighborhood Board members, and specifically Chairs, and other officers in conduct of Neighborhood Board meetings;
 - c. Guidance to Neighborhood Boards on roles and responsibilities of the neighborhood boards as it relates to Federal, State and City and County of Honolulu levels of government, and their respective elected officials.
3. That the Neighborhood Commission establish a process to allow for individual neighborhoods to propose alternative structures to the "traditional neighborhood board model" that would achieve increased citizen participation.
4. That the Neighborhood Commission establish standard procedures for the use of the internet either through the Commission Website or linked with others such as the Advertisers neighborhood websites that will allow for:

Neighborhood Board Task Force Report
December 2007

- a. Residents to choose their neighborhood board members;
 - b. Residents to express their opinions on any item before the board;
 - c. Discussion on pending issues before the neighborhood board;
 - d. Posting of notices or minutes of meetings; and/or,
 - e. Video streaming of board meetings.
5. That the Neighborhood Commission establishes procedures that will allow the community to get educated on issues and polling on the issue via the Internet and/or through e-mail.
 6. That the Neighborhood Commission prepare a plan and budget, with cost benefit analysis, that would allow for technical assistance to electronically (video) record meetings to assist in the preparation of minutes for the meeting. (See Budget recommendations also).
 7. That the Neighborhood Commission establish appropriate procedures to educate the neighborhood boards on government operations including, but not limited to, the following:
 - a. State and City's CIP budget process;
 - b. State Land Use Commission reclassification process;
 - c. County General Plan, Development Plan, Sustainable Community Plan process;
 - d. County zoning process; and,
 - e. County subdivision and building permit process.

Issue #10: Compliance with the intent of the Sunshine law rather than the letter of the law

Recommendation: The Task Force recommends that because the Neighborhood Boards are “advisory” the Neighborhood Boards should be exempt from the Sunshine Law; however, the Neighborhood Plan must contain provisions requiring notice of meetings and posting of agendas.

Election Process and Structure

Issue #1: Establishing procedures or protocols for how to fill vacant seats

Recommendation: Require that the Board or Commission fill a vacancy within 60 days as established in the Plan. Require a public process in which individuals from the community present themselves for the seat for consideration. Recommend a lottery system to select among nominated candidates versus voting.

Issue #2: Having more at-large seats than sub-districts

Recommendation: Review of the at-large versus sub-district situation by reviewing board sub-districts for size and ability to fill seats. Review the need for at-large seats due to the cost for an election.

Issue # 3: Establishing the ratio for the number of residents needed for one neighborhood board seat

Recommendation: Within two years of each 10-year census, each board should review seat allocations as it relates to population density in each sub-district or board area as it is set up.

Neighborhood Board Task Force Report
December 2007

Issue #4: Term Limits for Board Members

Recommendation: That the Neighborhood Commission establish term limits for neighborhood board members of a maximum of five 2-year terms, for a total of 10 years, with the ability to run again after not serving for 2 years.

Community Participation at Board Level

Issue #1: The neighborhood commission does not adequately evaluate neighborhood board effectiveness.

Recommendation: That the Neighborhood Commission, with input from neighborhood board members, develop indicators of effective neighborhood boards. Further, that the Neighborhood Commission develop a process for gathering and analyzing that information.

Issue #2: Order and decorum

Recommendation:

1. That all Neighborhood Board members are responsible for promoting order and decorum of the board's proceedings.
2. That one indicator of effective boards is "consistent and appropriate meeting proceedings."
3. That the NC develop measures and processes to evaluate this such as surveys, review of video of meeting, etc.

Issue # 3: Minority and majority opinions

Recommendation:

1. That the Neighborhood Commission, with input from neighborhood board members, develop a NB recommendation form (draft attached) that reflects the community concerns raised and opinions considered, as well as the recommendation reached by the neighborhood board.
2. That one indicator of effective boards is inclusion of majority and minority concerns with Neighborhood Board communications.

Issue #4: Standardization of process vs. localized boards

Recommendation:

- a. That the Neighborhood Commission continue to establish the process and parameters within which all neighborhood boards operate. Within the established parameters, NB are encouraged to operate with flexibility that reflects the local community
- b. That one indicator of effective boards is following standards established by the Neighborhood Commission.

Issue #5: Board Vacancies

Recommendation:

1. That the Neighborhood Commission adopt the proposed changes (below) to the Neighborhood Plan addressing vacancies.

"Section 8-203(c) A majority vote of all the members to which the board is entitled shall be necessary to elect a person of requisite qualifications to fill a vacancy; provided, however, that if the number of vacancies on the board makes attainment of a majority vote of all the

Neighborhood Board Task Force Report
December 2007

members to which the board is entitled impossible, then a majority of the remaining members of the board shall be sufficient to elect a duly qualified person to fill a vacancy.”

“(f) If one or more vacancies on a neighborhood board or the failure of a board to achieve a quorum in successive meetings interferes with the ability of a board to conduct its business, the Neighborhood Commission may take action to fill any vacancy.”

2. That one indicator of effective boards is that vacancies are properly noticed and filled within 60 days.

Issue #6: Attendance of members

Recommendation: That one of indicator of effective boards is that a minimum of 2/3 of the members are in attendance at all meetings.

Issue # 7: Participation by the community

Recommendation:

- That the Neighborhood Commission ensure that
 - every meeting facility allows all attendees to participate fully;
 - all meetings are publicized beyond the monthly mailed agenda.
- That one indicator of effective boards is that meeting facilities are adequate to allow community participation;
- That one indicator of effective boards is that all NB meetings are well publicized.

Budget

Issue #1: Alternate Communication of Board Meetings

Recommendation: That money be allocated to videotape all the neighborhood boards; that the videotaped meetings be shown on Olelo – perhaps a channel devoted only to Board meetings; that the Neighborhood Commission support and approve a program to allow the videotaped meetings to be aired on the Neighborhood Board web site and the Boards follow NCO procurement policies on hiring a vendor for videotaping meetings.

Issue #2: NCO Staff Salaries

Recommendation: That the position description and requirements of the NA be reviewed, updated and compared to similar public and private sector jobs and that salaries be based on current market levels in order to attract and retain the best talent.

Issue #3: Neighborhood Board System Budget

Recommendation: Budget and Fiscal Services, the Neighborhood Commission, the Neighborhood Commission Office and the Neighborhood Boards should share the responsibility in developing and approving the annual budgets for the Neighborhood Board System, (this includes budgets for the Neighborhood Commission, Neighborhood Commission Office and the neighborhood Boards).

Issue #4: Neighborhood Commission Office Budget

Recommendation: That the Neighborhood Commission review and evaluate the annual operating

Neighborhood Board Task Force Report
December 2007

budget for the NCO to make sure it has kept pace with inflation and the cost of doing business in Hawaii.

That the Neighborhood Commission also look at other cost saving measures such as (but not limited to):

- Single-source vendor for videotaping the boards
- Combining Board elections with the general state election (like the BOE or OHA). This option could potentially increase voter participation in Board elections.
- Having elections on-line
- NCO staff salaries
- Electronic minutes

Neighborhood Board Task Force Recommendations and How They Address The City Audit of 2006

1. The mayor should:

a. Establish a citywide sunshine law training program as required by city ordinance. **REFER TO ISSUE #10 UNDER BOARD STRUCTURE. TASK FORCE RECOMMENDS CHANGING STATUTE SO BOARDS ARE EXEMPT FROM THE SUNSHINE LAW EXCEPT FOR MINUTES AND AGENDA.**

b. Consider separating the neighborhood commission and neighborhood commission office from the managing director's office and administratively attaching it to another executive branch agency. **REFER TO ISSUE #7 UNDER BOARD STRUCTURE. TASK FORCE MADE SIMILAR SUGGESTION.**

c. Work with the city council to introduce a charter amendment proposal that would collectively attach the neighborhood commission, neighborhood commission office, and neighborhood boards to another executive agency, and designate the neighborhood commission as the appointing authority for the executive secretary. **REFER TO ISSUE #7 UNDER BOARD STRUCTURE. TASK FORCE MADE SIMILAR SUGGESTION.**

2. If the neighborhood commission and neighborhood commission office remains under the managing director's office, the managing director should:

a. Annually review and evaluate the neighborhood board system's operations. **REFER TO ISSUES #1 AND 7 UNDER COMMUNITY PARTICIPATION.**

b. Implement operational changes as appropriate, which do not conflict with the neighborhood plan. **REFER TO BOARD STRUCTURE, ELECTION PROCESS AND COMMUNITY PARTICIPATION FOR SPECIFIC RECOMMENDATIONS ON OPERATIONS.**

c. Clarify neighborhood commission office staff roles in supporting the neighborhood commission and neighborhood boards. **REFER TO ISSUE #8 UNDER BOARD STRUCTURE.**

3. The neighborhood commission should:

a. Amend the neighborhood plan to include measurable goals and objectives. **REFER TO COMMUNITY PARTICIPATION FOR SPECIFIC RECOMMENDATIONS.**

b. Ensure that neighborhood plan review requirements are met. **REFER TO ISSUE #9 UNDER BOARD STRUCTURE.**

Neighborhood Board Task Force Report
December 2007

- c. Implement a formal review and reporting process of neighborhood boards annually.
- d. Comply with the neighborhood plan's complaint process provisions.
- e. Amend the neighborhood plan to provide penalties or consequences for violations of neighborhood plan requirements, where appropriate and enforceable.
- f. Coordinate with the neighborhood commission office to establish a plan that encourages more people to run in neighborhood board elections. **REFER TO ELECTION PROCESS AND COMMUNITY PARTICIPATION FOR SPECIFICS.**
- g. Improve internal review process to ensure that all documents and activities meet sunshine law public notice and content disclosure requirements. **REFER TO ISSUE #10 UNDER BOARD STRUCTURE. TASK FORCE RECOMMENDS CHANGING STATUTE SO BOARDS ARE EXEMPT FROM THE SUNSHINE LAW EXCEPT FOR MINUTES AND AGENDA.**

4. The executive secretary should:

- a. Establish a formal training program to:
 - i. Ensure that neighborhood board commissioners and board members meet all legal requirements, to include keeping an accurate training log.
 - ii. Ensure neighborhood commission office staff receive initial skills training and recurrent training on such topics as note taking, drafting minutes, neighborhood plan, parliamentary procedures, Robert 's Rules of Order, and other pertinent skill areas. **REFER TO ISSUE #8 UNDER BOARD STRUCTURE.**
- b. Establish controls over neighborhood boards not utilizing their budgets effectively that include:
 - i. Penalties or consequences for boards that go over-budget.
 - ii. Requiring justifications from boards that do not expend publicity funds.
 - iii. Adjusting future board budgets to better match board needs.
- c. Document board budget formation and allocation, justify funds, and report methodology to the city council. **REFER TO ISSUE #3 UNDER BUDGET.**
- d. Ensure that board expenses are paid from the proper accounts.
- e. Work more closely with neighborhood boards in establishing budgets. **REFER TO ISSUE #3 UNDER BUDGET.**

Neighborhood Board Task Force Report
December 2007

f. Coordinate with the neighborhood commission to establish a plan that encourages more people to run in neighborhood board elections. **REFER TO ELECTION PROCESS AND COMMUNITY PARTICIPATION FOR SPECIFICS.**

g. Coordinate with the neighborhood boards to ensure that board vacancies are properly noticed on meeting agendas and action taken at board meetings. **REFER TO ISSUE #1 UNDER ELECTION PROCESS.**

h. Improve internal review process to ensure that all documents and activities meet sunshine law public notice and content disclosure requirements. **REFER TO ISSUE #10 UNDER BOARD STRUCTURE. TASK FORCE RECOMMENDS CHANGING STATUTE SO BOARDS ARE EXEMPT FROM THE SUNSHINE LAW EXCEPT FOR MINUTES AND AGENDA.**

5. Neighborhood board chairs should:

a. Coordinate with the neighborhood commission office to ensure that board vacancies are properly noticed on meeting agendas and action taken at board meetings. **REFER TO ISSUE #1 UNDER ELECTION PROCESS.**

b. Ensure that board members receive sunshine law training and maintain a certification file. **REFER TO ISSUE #10 UNDER BOARD STRUCTURE. TASK FORCE RECOMMENDS CHANGING STATUTE SO BOARDS ARE EXEMPT FROM THE SUNSHINE LAW EXCEPT FOR MINUTES AND AGENDA.**

c. Ensure that board members follow all neighborhood plan requirements including order and decorum, parliamentary procedures, and sunshine law requirements. **REFER TO ISSUES UNDER COMMUNITY PARTICIPATION.**

d. Ensure that board meeting minutes and agendas meet sunshine law public notice and content disclosure requirements. **REFER TO ISSUE #10 UNDER BOARD STRUCTURE. TASK FORCE RECOMMENDS CHANGING STATUTE SO BOARDS ARE EXEMPT FROM THE SUNSHINE LAW EXCEPT FOR MINUTES AND AGENDA.**

Full Report and Analysis

Neighborhood Commission and Board Structure

The Task Force reviewed the various concerns as outlined in Resolution 06-291 CD1 along with the overall current structure of the Commission, Commission Office and Boards to see if they are achieving the goal of increased community participation and acting as a conduit for getting community concerns in front of the property elected officials and government agencies. The following recommendations cover issues from the Resolution along with issues that were raised by Board members and the community at large.

Issue #1: Elimination of the system.

Analysis: This was one of the specific recommendations the Task Force was directed to consider under 06-291 CD1. The Task Force reviewed the City Charter, which established the Neighborhood Boards and found that there is overall support of the mandate of the Charter to increase and assure effective citizen participation in the decisions of government. The Task Force agreed that the issue is really how we improve the process and procedures used by the Neighborhood Boards to comply with the mandate of the Charter rather than eliminate the system.

Recommendation: Do not eliminate the neighborhood board system.

Issue #2: Increasing the power and authority of the system

Analysis: This was one of the specific recommendations the Task Force was directed to consider under 06-291 CD1. The Task Force found that given the fact that the Neighborhood Boards are “advisory.” There was no apparent need to increase its powers or authority; however, there was wide spread agreement that there is a need to improve specific sections of the law to allow neighborhood boards to operate more efficiently (i.e. compliance with Sunshine Law).

Recommendation: Do not increase the power or authority of the neighborhood board system.

Issue #3: Compensating board members

Analysis: This was one of the specific recommendations the Task Force was directed to consider under 06-291 CD1. The Task Force never seriously considered compensation for neighborhood board members to be an issue that would either improve the existing situation or address any known problems of the neighborhood board system.

Recommendation: Does not recommend compensation for neighborhood board members.

Neighborhood Board Task Force Report
December 2007

Issue #4: Consolidating or reorganizing the number of boards in the system

Analysis: This was one of the specific recommendations the Task Force was directed to consider under 06-291 CD1. The Task Force is considering how best to increase and assure effective citizen participation in the decisions of government while keeping the overall neighborhood board system manageable, fair and equitable in participation.

Recommendation: That the Neighborhood Commission review the boundaries established in the Neighborhood Plan (Boundary Review) within two (2) years of every ten (10) year census update. (See other Subcommittee recommendations).

Issue #5: Review the salary of commission employees

Analysis: This was one of the specific recommendations the Task Force was directed to consider under 06-291 CD1. The Task Force did not find compensation of the commission employees to be a limiting factor in the effectiveness of the commission. Rather, it appears that the disjointed organizational structure needed to be corrected before any discussion of compensation can be done. Currently, the Commission staff is administratively attached to the Managing Director's office and provides staff services to the Neighborhood Commission. This subcommittee will be making recommendations to improve the overall structure of the Neighborhood Commission.

Recommendation: That the Task Force not review the salary of the commission staff at this time.

Issue #6: Review the meeting schedule of the boards to determine whether it should be changed to once every other month

Analysis: This was one of the specific recommendations the Task Force was directed to consider under 06-291 CD1. The Task Force believes that this issue is more appropriately addressed in the Neighborhood Plan, as the need for meetings to increase and assure effective citizen participation in the decisions of government will differ in each community.

Recommendation: That the Neighborhood Plan already includes provisions to allow for the minimum number of neighborhood board meetings.

Issue #7: Structure of the Neighborhood Commission

Analysis: Currently, the Neighborhood Commission is appointed by the Mayor and the City Council. The Neighborhood Commission Executive Secretary/Director is appointed by the Mayor, confirmed by the City Council by the Mayor and reports to the Managing Director. The Neighborhood Commission provides no oversight over the Executive Secretary but is attached to the Neighborhood Commission Office. The Neighborhood Commission Office provides administrative support to the Neighborhood Boards and oversees the Neighborhood Board elections.

Neighborhood Board Task Force Report
December 2007

The current structure does not allow for oversight of the Neighborhood Commission Office by the Neighborhood Commission. As the policy making body of the Neighborhood Board system, the Neighborhood Commission should have oversight of the Neighborhood Commission Office and the staff.

Under the proposed structure, organizationally, the Commission would provide oversight of the Neighborhood Board system through the processes and procedures established in the Neighborhood Plan. The Plan is basically the “Administrative Rules” for the Neighborhood Commission on how the Neighborhood Board System is managed. The Commission would help to establish and define policies for the Neighborhood Board System that would then be executed by the Executive Secretary and the Neighborhood Office staff.

The Neighborhood Commission should also be administratively attached to an existing Department within the City and County of Honolulu such as the Department of Planning and Permitting or Customer Services. This would allow for continuity and provide some stability. The Commission should solely be responsible for hiring and firing the Executive Secretary. In turn, the Executive Secretary must be given direct oversight and management to hire and fire the Commission Staff. The roles and responsibilities need to be clearly defined in the structure.

Recommendation: That the Neighborhood Plan be amended to reflect the following organizational structure:

**City Agency
(i.e. Planning and Permitting,
Community Services, Customer
Services, etc.)**

Neighborhood Commission

Neighborhood Boards

**Neighborhood Commission
Executive Secretary/Director**

**Neighborhood Commission
Staff (serves at the pleasure of
the Executive
Secretary/Director)**

Neighborhood Board Task Force Report
December 2007

Issue #8: Clarifying roles and responsibilities of the Neighborhood Commission, Executive Secretary, Commission Staff

Analysis: The revised structure or organization must also include internal controls and objective performance goals for the Commission Office. Expectations of the Commission, Executive Secretary and Staff must be clearly stated and coordinated to insure the effective operation of the system. For example, the timely updating of the neighborhood plan, how to attract more candidates for the neighborhood boards, alternatives analysis of the effectiveness of the neighborhood board system and ways to improve the system, analysis of the whether or not the neighborhood board system as presently exists, is effective in increasing and assuring effective citizen participation, etc.

Recommendation: That the Neighborhood Commission include in the Neighborhood Plan a requirement that the Neighborhood Commission establish performance goals and objectives tied to measurable deliverables or milestones, including compensation, set by the Commission for the Executive Secretary and the Commission staff. Further, that the initial goals and objectives be established within two years.

Issue #9: Clarifying roles and responsibilities of the Neighborhood Boards

Analysis: The neighborhood plan has historically focused on the operational issues of the Neighborhood Boards. Sunshine law compliance, Roberts Rules of Order and other processes on how to conduct meetings tend to dominate the neighborhood plan. The tendency to date has been to focus on the vote or recommendation and not on the process of allowing effective citizen participation. If more attention was paid to establishing a process that allowed for more citizen participation as opposed to voting or making recommendations, Neighborhood Boards may move toward what we believe the Charter intended which is to increase and assure effective citizen participation in the decisions of government.

For example, in growing communities, there have been proposals for neighborhood boards to adopt positions that would postpone any future development until appropriate infrastructure has been constructed. There does not seem to be an appropriate process for neighborhood boards to follow in developing these positions. If growth has been planned for an area based on State and County development/community plans, isn't the real issue: "Why hasn't government infrastructure kept pace with the planned development in the areas?" What has been the neighborhood board's position on Capital Improvement Project (CIP) requests and priorities to fund the necessary infrastructure to support the planned growth in the area?

Recommendation: That the Neighborhood Plan is amended to include the following:

8. That the Neighborhood Commission establish a fair and impartial process for Neighborhood Boards to conduct its business.
9. That the Neighborhood Commission's oversight of the Neighborhood Boards in the implementation of the Neighborhood Plan including but not limited to:

Neighborhood Board Task Force Report
December 2007

- a. Monitoring of meeting (conduct, decorum, procedures to insure effective citizen participation);
 - b. Assistance and training of Neighborhood Board members, and specifically Chairs, and other officers in conduct of Neighborhood Board meetings;
 - c. Guidance to Neighborhood Boards on roles and responsibilities of the neighborhood boards as it relates to Federal, State and City and County of Honolulu levels of government, and their respective elected officials.
10. That the Neighborhood Commission establish a process to allow for individual neighborhoods to propose alternative structures to the "traditional neighborhood board model" that would achieve increased citizen participation.
11. That the Neighborhood Commission establish standard procedures for the use of the internet either through the Commission Website or linked with others such as the Advertisers neighborhood websites that will allow for:
- a. Residents to choose their neighborhood board members;
 - b. Residents to express their opinions on any item before the board;
 - c. Discussion on pending issues before the neighborhood board;
 - d. Posting of notices or minutes of meetings; and/or,
 - e. Video streaming of board meetings.
12. That the Neighborhood Commission establishes procedures that will allow the community to get educated on issues and polling on the issue via the Internet and/or through e-mail.
13. That the Neighborhood Commission prepare a plan and budget, with cost benefit analysis, that would allow for technical assistance to electronically (video) record meetings to assist in the preparation of minutes for the meeting. (See Budget recommendations also).
14. That the Neighborhood Commission establish appropriate procedures to educate the neighborhood boards on government operations including, but not limited to, the following:
- a. State and City's CIP budget process;
 - b. State Land Use Commission reclassification process;
 - c. County General Plan, Development Plan, Sustainable Community Plan process;
 - d. County zoning process; and,
 - e. County subdivision and building permit process.

Issue #10: Compliance with the intent of the Sunshine law rather than the letter of the law

Analysis: The sunshine law is intended to ensure open meetings and decisions of government. This is also a core goal of the neighborhood board system. However, it is widely acknowledged by those participating in the neighborhood board system that the restrictions of the sunshine law on the interaction of board members outside of noticed meetings creates a severe limitation on the ability of members to be well informed the community issues.

Neighborhood Board Task Force Report
December 2007

The Office of Information Practices' interpretation of the Sunshine Law is that there are only two types of permitted interactions of neighborhood board members outside of a noticed Neighborhood Board meeting: 1) any two members can discuss issues; and 2) a permitted interaction group consisting of up to one less than quorum can be established by the board to investigate a specific issue. This interpretation means that more than two neighborhood members cannot participate in any meeting or attend other public meetings which consider topics likely to come before the board, including public forums or other public community meetings.

Throughout the discussion there has been a great deal of input regarding the difficulties of complying with the "letter of the law," with respect to the Sunshine Law. While we support the intent of the Sunshine to prevent "behind the scenes decision-making," we also agree that as presently interpreted, the Sunshine law prevents multiple board members from attending briefings/presentations or site visits to examine or research pertinent issues.

The Task Force strongly supports the intent of the sunshine law with respect to open meetings and decisions of government. However, the strict interpretation of the law for a volunteer group with no authority to make any final determinations seems overreaching. We believe that the desirable aspects of the sunshine law could be applied either specifically by the law itself or by the inclusion of similar provisions in the Neighborhood Plan. Some points for consideration:

- Any number of board members are allowed to attend any publicly noticed meeting, and
- Up to one less than quorum of a board is allowed to attend any meeting, including committee meetings, without public notice.
- Decisions continue to be required to be made in a publicly noticed board meeting
- Board agendas and minutes continue to be required to be posted one week in advance.

Recommendation: The Task Force recommends that because the Neighborhood Boards are "advisory" the Neighborhood Boards should be exempt from the Sunshine Law; however, the Neighborhood Plan must contain provisions requiring notice of meetings and posting of agendas.

Neighborhood Board Task Force Report
December 2007

Election Process and Structure

There is a lack of clarity on the roles and responsibilities of Neighborhood Board members. Some view themselves as representatives of their community similar to other elected officials, while others view their role as facilitators to create forums to develop a community consensus, which will be advocated by the Neighborhood Board.

Voter interest in the Neighborhood Board elections may reflect a larger national trend of voter apathy. We were provided with the following statistics from the Neighborhood Commission.

Percentage of returned ballots cast for the Neighborhood Board elections (1989-2007):

Election Year	% of Ballots Cast	% of Not Voting
1989	33%	67%
1993	35%	65%
1999	28%	72%
2001	31%	69%
2005	25%	75%
2007	19%	81%

The focus of the neighborhood board should be on creating a forum that allows for resident discussion on activities that impact their neighborhood. The focus should not be on the actions/recommendations of the neighborhood boards but on empowering the citizens to get involved to influence public policy makers and call your elected representative.

The present system of elected neighborhood boards appears to reflect a “Representative Democracy,” which may contradict the intent of the Charter. The Charter states that: Neighborhoods and Neighborhood Boards were created: to increase and assure effective citizen participation in the decisions of government shall be established in accordance with a neighborhood plan.

From the materials reviewed to date, it is unclear as to why, from the range of different structures, a representative structure was selected for the Neighborhood Board System. A brief listing of various forms of democracy are listed below. Given the fact that there is an existing representative form of government at the state level with Governor, Senators, and Representatives, and also at the County level with Mayors, and Council members, one could view the Neighborhood Board System, with its elected members as another layer of representative government. If that was the intent of the Charter, why was the election of neighborhood board members not made a requirement in the Charter?

In order to provide some context for this analysis, we have researched a few models of democracy that seem to be appropriate for the neighborhood board system. As you will see from the discussion that follows, certain aspects of a properly functioning representative democracy are not evident in the existing neighborhood board system, while other models offer some unique opportunities to increase and assure effective citizen participation in the decisions of government.

“Representative Democracy” is a form of government founded on the principles of popular sovereignty by the people's representatives. The representatives are chosen by the majority of the voters in elections.

Neighborhood Board Task Force Report
December 2007

The power of representatives in a democracy is usually curtailed by a constitution (as in a constitutional republic or a constitutional monarchy) or other measures to balance representative power such as an independent judiciary, which may have the power to declare legislative acts unconstitutional (e.g. Supreme Court). The United States relies on representative democracy. It is not a simple representative democracy, but a constitutional republic in which majority rule is tempered by minority rights protected by law.

“Participatory Democracy” is a process emphasizing the broad involvement of constituents in the direction and operation of political systems. While the Greek roots of “democracy” implies that any democracy would rely on the participation of its citizens (the Greek demos and kratos combine to suggest that “the people rule”), traditional representative democracies tend to limit citizen participation to voting, leaving actual governance to politicians.

Participatory democracy strives to create opportunities for all members of a political group to make meaningful contributions to decision-making, and seeks to broaden the range of people who have access to such opportunities. Because so much information must be gathered for the overall decision-making process to succeed, technology may provide important forces leading to the type of empowerment needed for participatory models, especially those technological tools that enable community narratives and correspond to the accretion of knowledge.

Some scholars argue for refocusing the term ‘participatory democracy’ on community-based activity within the domain of civil society, based on the belief that a strong non-governmental public sphere is a precondition for the emergence of a strong liberal democracy

“Grassroots Democracy” is a tendency towards designing political processes where as much decision-making authority as practical is shifted to the organization's lowest geographic level of organization. To cite a specific hypothetical example, a national grassroots organization, such as a non-governmental organization, would place as much decision-making power as possible in the hands of a local chapter instead of the head office. The principle is that for democratic power to be best exercised it must be vested in a local community instead of isolated, atomized individuals. As such, grassroots organizations exist in contrast to so-called participatory systems, which tend to allow individuals equal access to decision-making irrespective of their standing in a local community, or which particular community they reside in. As well, grassroots systems also differ from representative systems that allow local communities or national memberships to elect representatives who then go on to make decisions.

The difference between the three systems comes down to where they rest on two different axes: the rootedness in a community (i.e. grassroots versus national or international); and the ability of self-appointed individuals to participate in the decision-making process (i.e. participatory versus representative.)

“Consensus Democracy” is the application of consensus decision making to the process of legislation in a democracy. It is characterized by a decision making structure which involves and takes into account as broad a range of opinions as possible, as opposed to systems where minority opinions can potentially be ignored by vote-winning majorities. Consensus democracy also features increased citizen participation both in determining the political agenda and in the decision-making process itself. Some have pointed to developments in communications technology as potential facilitators of such systems.

Neighborhood Board Task Force Report
December 2007

Consensus democracy is most closely embodied in certain Western European countries such as Switzerland or Belgium, where consensus is an important feature of political culture, particularly with a view to preventing the domination of one linguistic or cultural group in the political process.

From the Task Force discussion to date, we understand that the process of electing neighborhood board members has been discussed by the Commission and reviewed by the Commission Office. In addition, Board members and community members have raised concerns regarding term limits, filling vacancies and not being able to field enough candidates in some areas. The following are some of the concerns being raised regarding the current election process:

1. Cost of funding the elections every 2 years;
2. Lack of standards on the ratio of the number of board members required to represent an established population within the community (i.e. area served by the neighborhood board);
3. Lack of candidates to run for the allocated number of seats on the neighborhood board;
4. Use of term limits to limit the number of years a board member can serve;
5. Problems of having too many candidates in one sub-district and not enough candidates in another sub-district of the same neighborhood board;
6. Problems of filling vacant neighborhood board seats in a timely manner;

The Honolulu City Charter does not require elections for neighborhood boards. In fact, the Charter's only mandate is the Neighborhoods and Neighborhood Boards were created to increase and assure effective citizen participation in the decisions of government and shall be established in accordance with a neighborhood plan, which is developed by the Neighborhood Commission.

The neighborhood plan provides for the designation of boundaries for the neighborhoods and provides procedures by which registered voters within neighborhoods may initiate and form neighborhoods and the manner of selection of the members of neighborhood boards, their terms of office and their powers, duties and functions.

The following excerpts from an analysis done by Pac West Community Associates, Inc., entitled "An Evaluation of the Effectiveness of the Neighborhood Boards and Neighborhood Plan," November 1979:

- *The 1972 Charter Commissioners were surprisingly close in their view that Boards were to be relatively informal, minimal cost, un-bureaucratic organizations encouraging citizen input. Page 2 of the Pac West Report*
- *The Neighborhood Boards were an attempt to address the need to have "widespread citizen participation" in government decisions. Page 5 of the Pac West Report*
- *The goal appeared to be: Institutionalize citizen participation into a legal form, while not creating a "new" layer of government. Aim to utilize neighborhood knowledge in solving problems.*

Neighborhood Board Task Force Report
December 2007

- *Goal: Official neighborhoods would be designated and the people in those neighborhoods could organize themselves into “Boards” if they wished. The Neighborhood Plan would designate the boundaries of the neighborhoods and establish the procedures by which the residents could organize themselves. Neighborhoods may wish to rely on organizations they already created.*
- *Judged by attendance standards “effective citizen participation” has not occurred either through direct participation or participation through representatives. Page 16 of the Pac West Report*
- *In summary, the data available at this time to judge Board effectiveness leads us to conclude that citizen participation is minimal and that it is too early to verify the role of the Boards in the decisions of the City Page 18 of the Pac West Report*
- *The increasing legal structures lend themselves to the creation of a class of neighborhood board “experts” who will, by knowledge of the growing compendium of rules, be able to manipulate board actions in accordance with their wishes. Page 19 of the Pac West Report*
- *The Boards must transmit the information it receives to citizens or arrange for meetings at which information may be disseminated or gathered. Page 20 of the Pac West Report*
- *The Neighborhood Boards were established, in large measure, because the Charter Commission distrusted city government’s ability to respond, not to minorities and individuals, but to the majority of the voters. Page 22 of the Pac West Report*
- *Elections are not sufficient self-regulating entity to insure the integrity of the Neighborhood Boards. Page 23 of the Pac West Report*
- *The electorate is not sufficiently motivated to determine or prevent domination by special interest groups and individuals. Page 23 of the Pac West Report*
- *A system, which only gives the power to advise, does not sufficiently increase the power of citizens to participate in a decision-making system of already legally established powers shared between legally established jurisdictions. Page 23 of the Pac West Report*
- *When Boards are no longer forums for direct citizen participation and become bodies where elected officials participate in the decisions of the City as representatives of their neighbors, another layer of government will have been created and there will arise, once again, the need for some mechanism for neighbors to directly participate in the decisions which affect their lives. Page 24 of the Pac West Report*
- *It is apparent that the majority of Neighborhood Board members see themselves as representatives in the sense of a legislator and not in the sense of a neighbor who functions as a facilitator of direct participation. Page 24 of the Pac West Report*

Neighborhood Board Task Force Report
December 2007

- *With apathetic voters the self-regulating quality of Neighborhood Board elections is negated. Page 25 of the Pac West Report*

There is no question that some of these concerns have been addressed since the original report was issued in 1979; however, many of these concerns still exist – a critical one: how does an elected neighborhood board “increase effective citizen participation in the decisions of the City?”

There are also larger social issues that transcend the neighborhood board system. Over the last 40 years in the United States, there has been a growing trend of increased voter apathy toward participating in elections.

Election	Voting Age Population ¹	Turnout	% Turnout of VAP
2004	215,694,000	122,295,345	56.69%
2000	205,815,000	105,586,274	51.31%
1996	196,511,000	96,456,345	49.08%
1992	189,529,000	104,405,155	55.09%
1988	182,778,000	91,594,693	50.11%
1984	174,466,000	92,652,680	53.11%
1980	164,597,000	86,515,221	52.56%
1976	152,309,190	81,555,789	53.55%
1972	140,776,000	77,718,554	55.21%
1968	120,328,186	73,199,998	60.83%
1964	114,090,000	70,644,592	60.92%
1960	109,159,000	68,838,204	63.06%

Sources: Federal Election Commission, Office of the Clerk, U.S. Census Bureau

This is also reflected in the voter participation at the neighborhood boards.

Election Year	% of Ballots Cast
1989	33%
1993	35%
1999	28%
2001	31%
2005	25%
2007	19%

With only 19% of the eligible voters in a community participating in the neighborhood board elections, does the Board truly represent the interest of the community? Perhaps the question is not the election process but more along the lines of how to get residents more involved in matters affecting their communities. The 19% maybe those in a neighborhood that are most community minded and always seem to be involved in issues or volunteer to help with community projects. How should the neighborhood board system get more of their residents involved?

Neighborhood Board Task Force Report
December 2007

The Task Force made the decision to accept that the system is working in most of the Board areas, that despite low participation in the voting, community members are satisfied with the representation provided by their Board members – incumbency rates run about 60% overall. and that we should concentrate on changes that will move toward increasing participation in the future

Issue #1: Establishing procedures or protocols for how to fill vacant seats

Analysis: While there are procedures in the Neighborhood Plan that cover filling vacant seats, there is a feeling in some communities that the election of an individual is biased and can be weighted toward electing someone that the Board prefers over an individual that is preferred by the area needing representation.

In addition, some seats have been left open longer than the allotted 60 days in the Neighborhood Plan – 60 days should be sufficient time to fill a seat even if the Board does not meet the following month. It is 60 days from time of announcement at a Board meeting not 60 days from notice of a vacancy (if an individual resigns immediately after being elected, then the next highest vote getter gets the seat as explained in the Neighborhood Plan).

Any filling of a vacant seat requires that it be noticed in an upcoming agenda and be a public process. Any qualified individual who presents themselves for consideration of filling the vacant seat should be considered for the seat – while not always adhered to by Boards, the Plan says nominations can come from the floor (i.e., the public).

It has also been suggested a random selection process or a lottery to select the person to fill the vacant seat would prevent stacking the deck by Boards. A lottery process is currently used by the Commission Office in case of a tie in an election for a seat.

It was brought up in discussion, that individuals that want to be considered for a seat should be qualified and that the danger in just letting anyone throw their name in is that someone with little or no experience with community issues could end up on the Board. It was suggested by others that the Boards should be proactive and approach individuals who regularly attend meetings and discuss vacancies or possible interest in running for seat during the regular elections.

Qualifications for a good Board candidate should include but not be limited to the following: have Internet access for effective communication; speaks and understands English and can be understood by others; be able to read and write; be able to get meetings via a car or catching the bus; be in good standing in the community (active in the community). Currently an individual only needs to live in the community where the seat is and be 18 years old.

Recommendation: Require that the Board or Commission fill a vacancy within 60 days as established in the Plan. Require a public process in which individuals from the community present themselves for the seat for consideration. Recommend a lottery system to select among nominated candidates versus voting.

Neighborhood Board Task Force Report
December 2007

Issue #2: Having more at-large seats than sub-districts

Analysis: The current make up of the various Boards run from at-large seat to all sub-district seats to a mix of both. During the elections, it is often that a sub-district seat(s) will go vacant while the at-large seats garner more candidates than can win. This could mean that the specific sub-district has a low interest in running for the seat or interest in the community or that the residents are unaware that the seat is often going vacant.

One solution could be to change the sub-district boundaries, either make it larger or smaller in order to get better interest in the seat. The current system unfortunately makes this process very cumbersome – it took one Board 11 years to make the changes needed and another Board decided not to continue the process after several years and a change in the Board make-up.

The concern of the Task Force is not to force a one size fits all solution on the Boards. Many Boards have no trouble fielding enough candidates to fill their seats. However, a review of Neighborhood Board sub-district boundaries may be in order to make sure that the sub-districts are of the right size for their area; if changes to neighborhood boundaries and landmarks have changed and therefore have changed the make up of the affected community and their ability to field candidates. In addition, is there still a need for at-large seats? In some cases, where all sub-district seats are filled, an election is still needed to fill the at-large seats; this incurs additional expense to the NCO.

Recommendation: Review of the at-large versus sub-district situation by reviewing board sub-districts for size and ability to fill seats. Review the need for at-large seats due to the cost for an election.

Issue # 3: Establishing the ratio for the number of residents needed for one neighborhood board seat

Analysis: When the Neighborhood Boards were first established, boundaries were drawn based on neighborhood landmarks and traditional demarcations. There was also an attempt to make sure that the number of seats correlated to the population in the sub-district. Therefore one community might have 2 seats and another 4 seats based on the number of people to be represented.

As it currently stands the Plan only calls for a periodic review of the Plan itself, not the way the neighborhoods are drawn for each Board. It would be up to each Board if they want to review their boundaries, landmarks and population make up to see if each sub-district still adequately represents their community. For example, if there has been significant growth in a sub-district, then it might be decided to give them another seat on the Board.

If a community has grown large enough that it no longer feels adequately represented by the current Board in their area, they can submit a petition with 100 signatures to the Neighborhood Commission to establish a new Board for their area. This has happened since the inception of the Board system most recently with the birth of the Mililani Mauka Neighborhood Board.

Recommendation: Within two years of each 10-year census, each board should review seat allocations as it relates to population density in each sub-district or board area as it is set up.s

Neighborhood Board Task Force Report
December 2007

Issue #4: Term Limits for Board Members

Analysis: There was much discussion and input from the community on the viability of term limits. There is a real perception that Board members are entrenched and why bother to attend meetings as the Board will do what they want not what is in the best interest of the community. Analysis of incumbency rates in the last election showed that there was a 65% retention rate of incumbent Board members. That means 1/3 were either voted out or a seat was left vacant due to an incumbent leaving and no one taking their place.

This is a healthy turn over as it allows for consistency and continuity in Board matters. To go right to term limits without addressing the potential consequences would be not in the best interest of the Board System. Many Boards field plenty of candidates each election resulting in new members and a turn over rate that keeps the Board a fair representation of their constituent communities. No proposed recommendation should discount this fact or the fact that the problem of turn over exists only with a few Boards.

It has been pointed out that many communities are moving away from term limits including state legislatures and Congress. That they do not work and there is a greater need for continuity more than for turnover.

Whether or not term limits are established, all residents should be encouraged to participate in their community either by sitting on Board committees, attending meetings or running for a seat.

If term limits were instituted, they would have to be staggered in order to make sure the Boards have continuity and historical memory on issues that come before them. How this would be done, would be left up to the Commission.

Recommendation: That the Neighborhood Commission establish term limits for neighborhood board members of a maximum of five 2-year terms, for a total of 10 years, with the ability to run again after not serving for 2 years.

Neighborhood Board Task Force Report
December 2007

Community Participation at Board Level

Community participation at the board level is the essence of the neighborhood board system. The rest of the structure (The Neighborhood Commission and the Neighborhood Commission office) is established in order to support that participation. Therefore, the subcommittee started its review of the issues raised around participation with the purpose of the neighborhood boards. The Purpose (of Neighborhood Boards) is "...to increase and assure effective citizen participation in the decisions of government..." (Charter Article XIV).

This purpose is further described as the powers, duties and functions of a Neighborhood Board (NB) in both the current Neighborhood Plan (1998 Edition) and the proposed Neighborhood Plan (2006). The language is similar but not exact so both are provided here to help guide the discussion concerning community participation at the board level.

1998 Language:

"...shall include but not be limited to the following:

- a) Review and make recommendations on any general plan, development plan, and other land use matters within its neighborhood and may review and make recommendations on such changes in other neighborhoods in the city.
- b) Prepare a list of recommended capital improvement projects, which reflect the needs of the neighborhood and state the priorities thereof and review and make recommendations on proposed capital improvement plans.
- c) Set goals and objectives, with priorities, which reflect the growth needs of the neighborhood and state the priorities thereof, for the growth of the neighborhood.
- d) Sponsor studies, hold information meetings, conduct public forums, and make recommendations on problems in the neighborhood to appropriate government officials or agencies
- e) Monitor and evaluate the efficiency and effectiveness of the government's delivery of services to citizens and assist in advocating residents' interests to all branches of the federal, state and local governments.
- f) Conduct educational programs for the general public regarding the aspect of government's decision-making processes important to board activities and functions
- g) Hold a regular meeting on a pre-established day of the month....
- h) Special meetings open to the public may be called...
- i) Within limitations of staff and financial resources, and in cooperation with such agencies as the satellite city halls, board may initiate and seek out ways to assist and collaborate with existing community associations and councils in carrying out their functions ..."

2006 Draft Neighborhood Plan Language:

Section 8-101 (b) "The powers, duties and functions of neighborhood boards shall include, but not be limited to:

- 1) Increase and assure effective citizen participation in the decisions of government by providing additional and improved opportunities for public input and interaction, and communicating that input to the appropriate persons and agencies;
- 2) Initiate, review, comment, and make recommendations concerning any general plan, development and sustainable communities plan, zoning, planning, permitting, and other land use issues and matters both within and beyond its neighborhood district boundaries;

Neighborhood Board Task Force Report
December 2007

- 3) Initiate, review, comment, and make recommendations concerning any other substantive issues reasonably related to the processes or decisions of government;
- 4) Identify, prioritize, review, comment, and make recommendations concerning any capital improvement proposals, plans, and projects;
- 5) Assist with evaluations of the efficiency and effectiveness of the delivery of government services and programs, whether provided by government agencies or their contractors;
- 6) Encourage understanding of the decision-making processes of government; and
- 7) Encourage the role of the neighborhood board as a public and informational forum on community and governmental issues.”

This understanding of the purpose of the neighborhood boards and the powers, duties and functions articulated in the Neighborhood Plan, helps to frame the discussion about participation at the board level.

Issue #1: The neighborhood commission does not adequately evaluate neighborhood board effectiveness.

Analysis: The Audit of the Neighborhood Board System, Report No. 06-06, found that the Neighborhood Commission does not adequately evaluate or report on neighborhood board effectiveness. Currently there are no indicators of an effective neighborhood board so it would be difficult for the Neighborhood Commission or anyone else to objectively assess the effectiveness of a neighborhood board.

It’s clear that some neighborhood boards operate at a high degree of effectiveness, considering important issues affecting their community with extensive participation by the community at large, while other boards are plagued by low attendance by members or the community, or lack of order and decorum at meetings. The audit itself and testimony received by the Task Force attest to the wide variety of effectiveness at the neighborhood board level.

Many board members expressed opinions that it is inappropriate for the Neighborhood Commission to evaluate the effectiveness of an elected neighborhood board, since the board gets its authority from the voters of their community. Others were concerned that effectiveness would be measured by the specific recommendations of the neighborhood boards, which might be influenced by the views of the neighborhood commission or any other evaluator.

Despite these concerns, assessing the effectiveness of the system in meeting the purpose of the charter “...to increase and assure effective citizen participation in the decisions of government...” is critical to the functioning of this important vehicle for community participation. The draft Revised Neighborhood Plan, (Section 8-101 b quoted above), outlines the parameters about the types of “decisions of government” that neighborhood boards can address.

It is important that evaluating the effectiveness of a neighborhood board not be considered a judgment on the input provided to government, but rather objective indicators that guide neighborhood board processes and actions.

Neighborhood Board Task Force Report
December 2007

Evaluating effectiveness is important for individual neighborhood boards and provides the Neighborhood Commission a means of evaluating the system as a whole. Reports by the Neighborhood Commission would provide the City Council and the Administration information to evaluate the expenditure of public funds.

Recommendation: That the Neighborhood Commission, with input from neighborhood board members, develop indicators of effective neighborhood boards. Further, that the Neighborhood Commission develop a process for gathering and analyzing that information.

Issue #2: Order and decorum

Analysis: While order and decorum of meetings is addressed in the neighborhood plan, lapses in order and decorum have been identified as an issue by Resolution 06-291, the Audit of the Neighborhood Board System, Report No. 06-06, and individuals providing testimony to the Task Force.

While the audit notes that these lapses are rare, there is anecdotal evidence that it occurs in varying degrees at a number of boards. The issues identified range from the chairperson not vacating the chair when participating in debate to board members or community participants exhibiting disruptive, disorderly, contemptuous or improper behavior.

All Neighborhood Board members have a responsibility to promote and preserve the order and decorum of the board meetings. The lapses may occur due to inconsistency in enforcement of rules of behavior or due to the inability of addressing the immediate issue. The Neighborhood Assistants, the common factor in each neighborhood board meeting, could play a more active role in assisting the board in promoting order and decorum.

Recommendation:

4. That all Neighborhood Board members are responsible for promoting order and decorum of the board's proceedings.
5. That one indicator of effective boards is "consistent and appropriate meeting proceedings."
6. That the NC develop measures and processes to evaluate this such as surveys, review of video of meeting, etc.

Issue # 3: Minority and majority opinions

(Note: This issue was addressed by two subcommittees. This incorporates comments from both committees with a shared recommendation)

Analysis: While some issues that come before a board result in community consensus and unanimous recommendations, there are many issues with diverse viewpoints within the community. While the Neighborhood Board can be advocates when there is strong community consensus, the Neighborhood Plan must continue to emphasize that Neighborhood Boards are advisory with a focus on creating opportunities for increased citizen participation through community forums and discussions.

Neighborhood Board Task Force Report December 2007

Some Neighborhood Boards and their elected Board members believe they have the duty to speak for those who elected them; however, the role of the neighborhood board is to provide a forum for discussion of issues in an affected community, thus, the focus should be on “public input” not voting.

Many Neighborhood Boards seem to overemphasize the recommendation or the vote instead of creating a forum for community input. Neighborhood Board members have a responsibility to ensure that the process provides an opportunity for a full community discussion.

Meetings should be facilitated in a manner that encourages different views of an issue. Maintaining an open atmosphere is essential to gathering diverse viewpoints and developing recommendations that reflect broad community concerns. Acknowledgement of alternative viewpoints is important to maintaining credibility of neighborhood board advice to government and better fulfills the mandate of the Charter to “increase and assure effective citizen participation.”

Various suggestions to address this concern were considered by the Task Force, including requiring a threshold of residents (i.e. 5% of the residents or 100 residents, whichever is less) vote for all NB recommendations. Another suggestion was that all NB recommendations include alternative views expressed and considered along with those supporting the majority view. Communicating majority and minority views and concerns gives greater credence to the recommendations made by a neighborhood board, helps government official in developing the most appropriate actions and furthers the intent of the neighborhood board system of increasing effective citizen participation.

In addition, it needs to be more clearly stated in the Neighborhood Plan that Neighborhood Boards are:

1. Community forums;
2. Advocates based on strong community consensus;
3. Focused on creating opportunities for increased citizen participation;
4. Specifically involved in the “process” and not the decision; and
5. Advisory only.

Recommendation:

3. That the Neighborhood Commission, with input from neighborhood board members, develop a NB recommendation form (draft attached) that reflects the community concerns raised and opinions considered, as well as the recommendation reached by the neighborhood board.
4. That one indicator of effective boards is inclusion of majority and minority concerns with Neighborhood Board communications.

Issue #4: Standardization of process vs. localized boards

Analysis: How should the character of a particular community be allowed to express itself in its Neighborhood Board?

Although communities are unique, standards within the neighborhood board system are intended to assure a forum for effective citizen participation. The Neighborhood Plan provides the standards for establishment of neighborhood boards including boundaries, elections, and general operations including

Neighborhood Board Task Force Report
December 2007

meeting notices, agendas, minutes, and budgets for operations. Establishing the framework is an important role and responsibility that the Neighborhood Commission should continue to play.

Variations within this framework, which reflect the character of the community yet preserve the principles and intent of the system, should be celebrated. The current neighborhood board system has variations in the operation of each neighborhood board, yet most are within the intent of the policies. For those circumstances where the variations have resulted in diminished community participation, the Neighborhood Plan provides complaint process.

Recommendation:

- a. That the Neighborhood Commission continue to establish the process and parameters within which all neighborhood boards operate. Within the established parameters, NB are encouraged to operate with flexibility that reflects the local community
- b. That one indicator of effective boards is following standards established by the Neighborhood Commission.

Issue #5: Board Vacancies

Analysis: The audit and the Neighborhood Commission staff indicate that some boards suffer from chronic vacancies, even to the extent that no business can be conducted. Board vacancies reflect lack of participation by the community as well as clearly limit representation from that community.

The current Neighborhood Plan provides limited options for the Neighborhood Commission in the event that the number of vacancies on a board is so great as to make a quorum impossible. The draft neighborhood plan currently being considered by the Neighborhood Commission addresses the problem by stating:

“Section 8-203(c) A majority vote of all the members to which the board is entitled shall be necessary to elect a person of requisite qualifications to fill a vacancy; provided, however, that if the number of vacancies on the board makes attainment of a majority vote of all the members to which the board is entitled impossible, then a majority of the remaining members of the board shall be sufficient to elect a duly qualified person to fill a vacancy.”

Expanding the possible solutions, it further states:

“(f) If one or more vacancies on a neighborhood board or the failure of a board to achieve a quorum in successive meetings interferes with the ability of a board to conduct its business, the Neighborhood Commission may take action to fill any vacancy.”

Some boards have vacancies not due to lack of quorum but due to lack of candidates interested in the seat. This may be due to overly small sub-districts or the lack of positive perception of the neighborhood board among the residents of the sub-district. Regardless of the reason, the effect is to seriously hamper the participation of residents from that neighborhood.

If publicity or recruitment is needed the Neighborhood Assistant should ensure that vacancies are noticed on the agenda and encourage the Board to more fully publicize the opening, if necessary.

Neighborhood Board Task Force Report
December 2007

If a chronic vacancy for a particular sub-district is a problem, the Neighborhood Commission should proactively work with the Neighborhood Board to adjust sub-district boundaries or create at-large seats.

Recommendation:

3. That the Neighborhood Commission adopt the proposed changes (below) to the Neighborhood Plan addressing vacancies.

“Section 8-203(c) A majority vote of all the members to which the board is entitled shall be necessary to elect a person of requisite qualifications to fill a vacancy; provided, however, that if the number of vacancies on the board makes attainment of a majority vote of all the members to which the board is entitled impossible, then a majority of the remaining members of the board shall be sufficient to elect a duly qualified person to fill a vacancy.”

“(f) If one or more vacancies on a neighborhood board or the failure of a board to achieve a quorum in successive meetings interferes with the ability of a board to conduct its business, the Neighborhood Commission may take action to fill any vacancy.”

4. That one indicator of effective boards is that vacancies are properly noticed and filled within 60 days.

Issue #6: Attendance of members

Analysis: Some boards have fully “seated” board but are limited by lack of participation at regular meetings. Since all actions by a neighborhood board require the majority of all members to which the board is entitled, even boards that achieve quorum may not be able to fully function without unanimous decisions.

Recommendation: That one of indicator of effective boards is that a minimum of 2/3 of the members are in attendance at all meetings.

Issue # 7: Participation by the community

Analysis: Some boards have limited community attendance at regular meetings. Since the purpose of the neighborhood board system is to increase citizen participation in government, residents must be aware of and welcomed at neighborhood board meetings.

Some boards have a strong practice of publicizing meetings with banners, video of recent meetings on public access television or news releases of issues to be discussed at an upcoming meeting. Other boards rely on the monthly mailing to publicize their meetings.

The adequacy of meeting facilities affects the ability of those attending board meetings to hear and see those speaking as well as their ability to participate in the meeting. The comfort of the community varies greatly. While it is recognized that an ideal community meeting space is not available in every community, meeting spaces conducive to community participation should be facilitated by the Neighborhood Commission staff.

Neighborhood Board Task Force Report
December 2007

Recommendation:

- That the Neighborhood Commission ensure that
 - every meeting facility allows all attendees to participate fully;
 - all meetings are publicized beyond the monthly mailed agenda.
- That one indicator of effective boards is that meeting facilities are adequate to allow community participation;
- That one indicator of effective boards is that all NB meetings are well publicized.

Neighborhood Board Task Force Report
December 2007

Budget

Issue #1: Alternate Communication of Board Meetings

Analysis: In this digital age it is imperative to make sure that board meetings are available to the widest audience possible – the boards cannot just rely on the minutes of their meetings to provide an accurate representation of the meetings but must look and offer alternatives to their constituency. Today this is possible in a number of ways:

- minutes that are mailed
- minutes posted on the Neighborhood Board's NCO web site
- videotaping of the board's meetings for viewing on Olelo
- videotaping of the board's meeting shown on the NCO web site

The first two options are being done by all the Boards. Item three is only being done by some of the boards and item four is being considered by the Neighborhood Commission for all the boards a proposal from Olelo has been put on the table).

We understand that some boards have elected not to be videotaped whether this due to available funds for such a effort or due to board choice, we believe that the Neighborhood Board Commission should mandate that all boards be videotaped to allow greater participation by the community they serve in the grassroots process. In addition, the NCO should set policy on hiring a videographer and provide the Boards with a list of approved vendors (it is our understanding that with the Olelo proposal, there will be a single-source vendor for the videotaping and that the NCO is establishing policies on hiring vendors for videotaping meetings.

Recommendation: That money be allocated to videotape all the neighborhood boards; that the videotaped meetings be shown on Olelo – perhaps a channel devoted only to Board meetings; that the Neighborhood Commission support and approve a program to allow the videotaped meetings to be aired on the Neighborhood Board web site and the Boards follow NCO procurement policies on hiring a vendor for videotaping meetings.

Issue #2: NCO Staff Salaries

Analysis: In general it has been difficult for the Executive Secretary to hire and retain competent staff especially Neighborhood Assistants. One issue is that the job of NAs has been used at times by various administrations in the past as a reward to supporters. While this sometimes leads to qualified and interested people getting the job, other times it has not. And once in, it is not easy or always possible to let a political appointment go without fall out. As the job of NA is critical to the success of the Neighborhood Board system, we believe it is imperative to hire qualified people who have an interest in the job and not tie it to political fortunes – we address this in another section under structure of the Neighborhood Board System.

It is critical to make sure that in this highly competitive market, that the NAs are paid market wages adjusted to their skill set. It is also critical that the skill set of an NA be clearly defined. The NA serves as a chair's right hand, offering advice on procedure, fielding requests from the community and being a

Neighborhood Board Task Force Report
December 2007

conduit for information for their board within the NCO. A good NA is a mediator and a sounding board for their chair to discuss issues with and how best to proceed within the strictures of the Neighborhood Plan. This rises above the general notion that all an NA does is shows up with the nameplates, gavel and takes the minutes.

Recommendation: That the position description and requirements of the NA be reviewed, updated and compared to similar public and private sector jobs and that salaries be based on current market levels in order to attract and retain the best talent.

Issue #3: Neighborhood Board System Budget

Analysis: Under the current system of budget planning, the Executive Secretary receives input as to what the NB System will receive for the year from the Office of Budget and Fiscal Services. Then the ES puts together the annual budget plan for the Commission, Commission Office and the Neighborhood Boards. There is little or no input from either the Commission or Boards as to how the budget number should be allotted though the ES does take comments over the course of the year from the Boards and Commissioners and uses that to craft a budget that meets current needs. However this is a very informal process and not all Boards are in tune to the budget process as it relates to the NB System.

The Task Force believes that the Commission and the Boards should have a forum for more formal input on the budget process within the policies as set forth by the City Administration. We understand that the budget number provided by Budget and Fiscal Services cannot be changed but how it is allocated should be reviewed. Also Boards should have a chance to review their individual allocations to make sure their needs are being met.

Recommendation: Budget and Fiscal Services, the Neighborhood Commission, the Neighborhood Commission Office and the Neighborhood Boards should share the responsibility in developing and approving the annual budgets for the Neighborhood Board System, (this includes budgets for the Neighborhood Commission, Neighborhood Commission Office and the neighborhood Boards).

Issue #4: Neighborhood Commission Office Budget

Analysis: The budget for NCO is relatively small compared to other departments in the City Administration. While we are not advocating for major increases, we believe that the budget should be based on what the office actually does, makes sure that staff members are adequately compensated for their work, and that incidentals (postage, copying computer upgrades) are adequately funded on a regular basis so the office is running efficiently.

We believe that economies of scale are possible by evaluating the budget of the office since its inception, comparing staff wages to what the market currently pays in the private sector and making adjustments based on cost of living and inflation.

In addition, the budget should be looked at during election years to make sure it is being adequately funded. We understand that this budget will exceed non-election years and should. It should also be

Neighborhood Board Task Force Report
December 2007

reviewed as to the viability of holding the NB elections at the same time as the state elections – OHA and the Board of Education both do this without any problems.

Recommendation: That the Neighborhood Commission review and evaluate the annual operating budget for the NCO to make sure it has kept pace with inflation and the cost of doing business in Hawaii.

That the Neighborhood Commission also look at other cost saving measures such as (but not limited to):

- Single-source vendor for videotaping the boards
- Combining Board elections with the general state election (like the BOE or OHA). This option could potentially increase voter participation in Board elections.
- Having elections on-line
- NCO staff salaries
- Electronic minutes

Neighborhood Board Task Force Report
December 2007

Unresolved Issues

There was only one area that the Task Force could not agree upon and that was the formation of regional committees of Neighborhood Boards to address issues that affect communities larger than are covered by one Neighborhood Board (examples given were the roads in Kapolei / Makakilo / Ewa area or the issue of the landfill that affects Waianae / Kapolei / Makakilo).

It was recommended that the Neighborhood Commission establish a procedure to allow for the discussion of regional, island-wide or statewide issues among neighborhood boards to develop a position or positions approved by the neighborhood commission, that individual neighborhood boards may implement where appropriate.

There was disagreement in the Task Force as to which entity had the final approval on positions developed by the boards. Some Task Force members felt that the Commission should have the final say over the regional positions on issues while other members felt it was up to the boards to develop and implement their positions and that the Commission's only task in this instance was to facilitate the organization of such a group.

We understand that some boards are already in the process of forming Permitted Interaction Groups to discuss regional issues and have been assisted in this by the Commission. Perhaps this may become the model in discussing issues that touch more than one community.

APPENDIX A

List of documents reviewed by Neighborhood Board Task Force

1. *"Council Resolution No. 06-291, CDI.*
2. *"Honolulu City Charter,"* Article 14, Neighborhoods and Neighborhood Boards.
<http://www.honolulu.gov/refs/rch/>
3. *"An Evaluation of the Neighborhood Boards and Neighborhood Plan,"* prepared for the Neighborhood Commission by Pac West Community Associations, Inc., November 1979.
4. *"Neighborhood Plan"* Draft 8C, November 2006. <http://www.honolulu.gov/nco/index.htm>
5. *"Audit of the Neighborhood Board System,"* a report to the Mayor and City Council of Honolulu by the City Auditor, Report No. 06-06, August 2006. <http://www.honolulu.gov/nco/index.htm>
6. *"Data Information Book,"* Neighborhood Board Elections, 1989 to 2003.
<http://www.honolulu.gov/nco/index.htm>
7. *"The Revised Neighborhood Plan of the City and County of Honolulu,"* 1986-1988 Edition.
<http://www.honolulu.gov/nco/index.htm>
8. *"The Revised Neighborhood Plan of the City and County of Honolulu,"* 1986-1993 Edition.
9. *"The Revised Neighborhood Plan of the City and County of Honolulu,"* 1986-1990 Amended.
10. *"The Revised Neighborhood Plan of the City and County of Honolulu,"* 1986-1990 Supplement.